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## Press Cautiously Hails Westmoreland's Withdrawal of Libel Suit

Television, newspaper and magazine executives yesterday applauded Gen. William C. Westmoreland's decision to drop his libel suit against CBS and said the outcome affirmed that journalists should examine public issues without having to fear legal action.

Many were cautious, however, about claiming the result as a clear-cut victory for CBS or the press in general.

"Some legitimate questions were raised about the fairness of that particular editing process," noted Dave Lawrence, editor and publisher of The Detroit Free Press, who is directing a study of press credibility for the American Society of Newspaper Editors. "The questions still stand in the public mind about our devotion to accuracy and fairness."

General Westmoreland, who commanded American troops in Vietnam from 1964 to 1968, had sued CBS for \$120 million, saying he was libeled by its assertion in a 1982 documentary that his command had underreported enemy strength in a conspiracy to withhold information that might lessen public support for the war.

On Sunday, after 18 weeks of trial in Federal Court in Manhattan, the general dropped the suit in exchange for a CBS statement that it "never intended to assert, and does not believe, that (he) was unpatriotic or disloyal in performing his duties as he saw them."

### Attention on Journalistic Methods

The trial, along with a simultaneous but unrelated libel suit by Ariel Sharon against Time magazine, had focused public attention on how journalists report and edit stories. The jury in the Sharon case said Time had been careless in reporting that the Israeli general had encouraged Christian Phalangists in Lebanon to massacre civilian refugees, but it acquitted the magazine of libelling him.

The Westmoreland case also raised questions about how news organizations investigate complaints about their own reporting, and many journalists and lawyers thought it might become a vehicle for redefinition by higher courts of the limits of press criticism of public officials. The settle-

ment yesterday left the legal standards unchanged, and journalists said the result allayed their worst fears.

"I'm delighted," said Lawrence Grossman, the president of NBC News. "It is important to all of us that our chief competitor do well when its integrity is challenged."

"It seems obvious to me that the general and his lawyers realized that they could not win the libel case against CBS and decided it was best to drop the suit," said A. M. Rosenthal, executive editor of The New York Times. "If he felt wronged, the general had the right to bring the case, even though he was forced to drop it in the end. And in fighting the suit, CBS deserves the congratulations and thanks of those who believe the press has not only the right to examine the record of public figures, but the duty to defend that right."

Ray Cave, the managing editor of Time, said the results of the Sharon and Westmoreland cases "will discourage others from bringing suit." He said the recent increase in the number of public officials bringing libel actions against news organizations has been "a hazard to the operation of the free press, if not to freedom of the press."

### Supporters Disappointed

Reed Irvine, president of Accuracy in Media, a politically conservative Washington-based organization that frequently criticizes the networks and newspapers, said the outcome was "disappointing" to people who had supported Westmoreland.

"It is going to be interpreted as a clear-cut victory for CBS," he said, because people will forget all the testimony showing the documentary's producers left out material supportive of the general and broke a number of network ground rules to favor the people who believed there had been an intelligence conspiracy in Saigon.

Accuracy in Media raised \$40,000 on behalf of General Westmoreland but kept the money after feuding with the general's lawyer. Mr. Irvine said the money would be used to help other libel plaintiffs.

He said, however, that the high cost of the Westmoreland suit — both sides

spent more than \$2 million — showed that such suits were "an inefficient way of getting the record set straight." He said libel plaintiffs "have been losing hand over fist," adding that those losses would discourage other suits.

Winant Sidle, a retired Army general who served as chief military spokesman in Vietnam, said he had believed General Westmoreland's own testimony helped exonerate him of the CBS charges, but after the settlement was announced said, "I don't know." He said the fact that the general had to sue underlined the paucity of choices available to a public figure to rebut an attack he considered unfair.

Last year General Sidle directed a panel of military officers and retired journalists to suggest ways of improving relations between the Pentagon and the press following the military's barring of reporters from covering the United States-led invasion of Grenada. He said the Westmoreland case was unlikely to alter public beliefs in the credibility of the press or the military.

### Internal Investigation

Before the case came to trial, CBS asked one of its senior producers, Burton Benjamin, to make an internal investigation of charges raised against the documentary by an article in TV Guide accusing the network of poor journalistic methods in making the documentary. Mr. Benjamin's report upheld the fairness of the documentary, but agreed with TV Guide that the program's producer, George Crile, had broken a number of the network's rules.

When the court later ordered CBS to give General Westmoreland a copy of Mr. Benjamin's report and notes he had made in interviews with CBS staff members, many journalists said they feared other news organizations would be reluctant to make such a candid internal inquiry or of admitting errors found in such inquiries.

At a news conference yesterday, Van Gordon Sauter, the executive vice president of the broadcast division of CBS News, said the network would not

hesitate to conduct another such investigation. "We would go back to it and we'd go back to it fully appreciating the vulnerability that such an action bears," he said.

"CBS ought to have gotten a little more praise than it did for the Benjamin report," said Floyd Abrams, a New York lawyer who has represented news organizations. He said the internal investigation "is precisely what I think most people would want a news organization to do."